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ACTION IO-00

INFO	LOG-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00	SRPP-00
	EB-00	UTED-00	TEDE-00	INR-00	L-00	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PA-00	PRS-00	P-00	SP-00	SS-00
	STR-00	TEST-00	TRSE-00	USIE-00	ECA-00	PRM-00	DRL-00
	G-00	SAS-00	/003W				

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P 081402Z OCT 03
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7206
INFO USMISSION USUN NEW YORK

RELEASED IN FULL

UNCLAS GENEVA 003196

STATE FOR IO/SHA, DRL/MLA, L/HRR

E.O. 12958: N/A
TAGS: PHUM
SUBJECT: ICCPR PERIODIC REPORT OVERDUE

REF: A. GENEVA 2046
B. GENEVA 1844

1. THIS IS AN ACTION REQUEST. SEE PARAGRAPH 6.

2. SUMMARY: MISSION RECEIVED A DIPLOMATIC NOTE DATED SEPTEMBER 17, 2003 FROM THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) REMINDING US THAT THE SECOND PERIODIC REPORT REQUIRED UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) IS OVERDUE. THE REPORT WAS ORIGINALLY DUE IN 1998, AND, SINCE THE THIRD REPORT IS DUE NEXT MONTH, THE SECRETARIAT HAS RECOMMENDED THAT OUR SUBMISSION COVER THE PERIOD FROM 1995 TO MID 2003. IN THE EVENT THAT THE REPORT IS NOT RECEIVED BY MARCH 16, 2004, SIX MONTHS FROM THE DATE OF THE NOTE, THE HUMAN RIGHTS COMMITTEE MAY INVOKE RULE 69A, GIVING IT THE AUTHORITY TO EXAMINE COMPLIANCE ON THE BASIS OF OTHER SOURCES OF INFORMATION. END SUMMARY.

3. MISSION RECEIVED A DIPLOMATIC NOTE DATED SEPTEMBER 17, 2003 FROM THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) REMINDING US OF OUR OVERDUE SECOND PERIODIC REPORT REQUIRED UNDER ARTICLE 40 OF THE INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS (ICCPR). THE TEXT OF THE NOTE IS AS FOLLOWS:

BEGIN TEXT:
THE SECRETARIAT OF THE UNITED NATIONS (OFFICE OF THE

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 18 JUN 2009 200706444

HIGH COMMISSIONER FOR HUMAN RIGHTS) PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSION OF THE UNITED STATES TO THE UNITED NATIONS OFFICE AT GENEVA AND HAS THE HONOUR TO REFER TO PARAGRAPH 66 OF THE ANNUAL REPORT OF THE UN HUMAN RIGHTS COMMITTEE TO THE GENERAL ASSEMBLY (DOCUMENT A/56/40, VOL. I). PURSUANT TO THIS PARAGRAPH, THE GOVERNMENT OF THE UNITED STATES WAS SCHEDULED TO PRESENT ITS SECOND PERIODIC REPORT UNDER ARTICLE 40 OF THE INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS BY 7 SEPTEMBER 1998. SAID REPORT HAS NOT YET BEEN RECEIVED BY THE COMMITTEE.

THE HUMAN RIGHTS COMMITTEE RESPECTFULLY URGES THE GOVERNMENT OF THE UNITED STATES TO SUBMIT ITS SECOND PERIODIC REPORT UNDER ARTICLE 40 OF THE COVENANT AT THE GOVERNMENT'S EARLIEST CONVENIENCE, AND NOT LATER THAN 6 MONTHS FROM THE DATE OF THIS PRESENT NOTE. REFERENCE IS MADE TO RULE 69A OF THE COMMITTEE'S RULES OF PROCEDURE, WHICH ENABLES THE COMMITTEE TO CONSIDER THE MEASURES TAKEN BY THE STATE PARTY TO GIVE EFFECT TO THE RIGHTS PROTECTED UNDER THE COVENANT IN THE ABSENCE OF A REPORT. A COPY OF THE COMMITTEE'S RULES OF PROCEDURE IS ATTACHED FOR EASE OF REFERENCE.
END TEXT.

4. PERIODIC REPORTS ARE REQUIRED EVERY FIVE YEARS UNDER THE ICCPR. OUR SECOND REPORT WAS DUE ON SEPTEMBER 7, 1998 AND OUR THIRD REPORT WOULD NORMALLY BE DUE ON NOVEMBER 20, 2003. THE SECRETARIAT OF THE HUMAN RIGHTS COMMITTEE ADVISED THAT THE CURRENT REPORT, TO BE SUBMITTED BEFORE MARCH 16, 2004, SHOULD COVER THE PERIOD FROM 1995 TO MID-2003.

5. RULE 69A ALLOWS THE COMMITTEE TO CONSIDER A STATE'S COMPLIANCE WITH THE ICCPR IN CASES WHERE IT HAS NOT SUBMITTED A WRITTEN REPORT.

6. COMMENT AND ACTION REQUEST: WITHOUT OUR REPORT, THE COMMITTEE WILL RELY ONLY ON NGO AND OTHER OUTSIDE SOURCES OF INFORMATION IN THEIR CONSIDERATION OF OUR COMPLIANCE WITH THE ICCPR. POST REQUESTS GUIDANCE ON AN INTERIM RESPONSE TO THE COMMITTEE CONCERNING THE STATUS OF OUR SUBMISSION. END COMMENT.

7. POST WILL FAX A COPY OF THE NOTE AND RULE 69A TO TOM JOHNSON IN IO/SHA.
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